

**STATE OF NEW YORK :: COUNTY OF TIOGA  
COUNTY COURT**

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**PEOPLE OF THE STATE OF NEW YORK,**

**SUPERIOR COURT  
(COUNTY)**

**- against -**

**INDICTMENT NO.**

**CURTIS G. CUTTINO and  
MICHAEL J. MCVICKER,  
Defendants,**

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**FIRST COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment,  
accuses the defendant, **CURTIS G. CUTTINO**, of the crime of **MURDER IN THE FIRST  
DEGREE**, in violation of Section 125.27, Subdivision 1(a)(vii), of the Penal Law of the State of  
New York, a **Class A-I Felony**, committed as follows:

The said **CURTIS G. CUTTINO**, on or about the 9<sup>th</sup> of May 2019, in the County of  
Tioga and State of New York, with intent to cause the death of another person did cause the  
death of such person or of a third person and the victim was killed while the defendant was in the  
course of committing or attempting to commit and in furtherance of robbery, burglary in the first  
degree or second degree, rape in the first degree, criminal sexual act in the first degree, sexual  
abuse in the first degree, aggravated sexual abuse in the first degree or escape in the first degree,  
or in the course of and furtherance of immediate flight after committing or attempting to commit  
any such crime or in the course of and furtherance of immediate flight after attempting to commit  
the crime of murder in the second degree; provided however, the victim is not a participant in  
one of the aforementioned crime and the defendant was more than eighteen years old at the time

of the commission of the crime, to wit: the said defendant, on the aforesaid date and in the aforesaid county and state, with intent to cause the death of Brian Argro, did cause the death of Brian Argro and the victim was killed while the defendant, who was more than 18 years old (dob 06/02/1978) at the time, was in the course of committing the felony of burglary in the first degree, and the victim Brian Argro, was not a participant in the burglary.

## **SECOND COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment, accuses the defendant, **CURTIS G. CUTTINO**, of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Section 125.25, Subdivision 3, of the Penal Law of the State of New York, a **Class A-I Felony**, committed as follows:

The said **CURTIS G. CUTTINO**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, acting either alone or with one or more other persons, commits or attempts to commit robbery, burglary, kidnapping, arson, rape in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants, to wit: the said defendant, on the aforesaid date and in the aforesaid county and state, acting with one or more other persons, committed the felony of burglary in the first degree and, in the course of and in furtherance of such burglary, he caused the death of Brian Argro, who was not a participant in the burglary.

### **THIRD COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment, accuses the defendant, **MICHAEL J. MCVICKER**, of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Section 125.25, Subdivision 3, of the Penal Law of the State of New York, a **Class A-I Felony**, committed as follows:

The said **MICHAEL J. MCVICKER**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, acting either alone or with one or more other persons, commits or attempts to commit robbery, burglary, kidnapping, arson, rape in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants, to wit: the said defendant, on the aforesaid date and in the aforesaid county and state, acting with one or more other persons, committed the felony of burglary in the first degree, and, in the course of and in furtherance of such burglary, **CURTIS G. CUTTINO**, who was another participant in the burglary, caused the death of Brian Argro, who was not a participant in the burglary.

### **FOURTH COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA** by this Indictment accuses **CURTIS G. CUTTINO** and **MICHAEL J. MCVICKER** of the crime of **BURGLARY IN THE FIRST DEGREE** in violation of Section 140.30, Subdivision 4, of the Penal Law of the State of New York, a **Class B Felony**, committed as follows:

The said **CURTIS G. CUTTINO and MICHAEL J. MCVICKER**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, did knowingly enter or remain

unlawfully in a dwelling with intent to commit a crime therein, and when, in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm, to wit: the said defendants, on the aforesaid date and in the aforesaid county and state did knowingly enter or remain unlawfully in a dwelling located at 5 Dorothy Road, Apalachin, in the Town of Owego, with intent to commit a crime therein, and when, in effecting entry or while in the dwelling, they displayed what appeared to be a pistol.

### **FIFTH COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment, accuses the defendant, **CURTIS G. CUTTINO** and **MICHAEL J. MCVICKER**, of the crime of **KIDNAPPING IN THE SECOND DEGREE**, in violation of Section 135.20, of the Penal Law of the State of New York, a **Class B Felony**, committed as follows:

The said **CURTIS G. CUTTINO** and **MICHAEL J. MCVICKER**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, did abduct another person, to wit: the said defendants, on the aforesaid date and in the aforesaid county and state, did abduct Kia Brooks inside the residence located at 5 Dorothy Road, Apalachin, in the Town of Owego.

### **SIXTH COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment, accuses the defendant, **CURTIS G. CUTTINO**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, in violation of Section 265.03, Subdivision 1(b) of the Penal Law of the State of New York, a **Class C Felony**, committed as follows:

The said **CURTIS G. CUTTINO**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, did possess a loaded firearm, to wit: the said defendant, on the aforesaid date and in the aforesaid county and state, prior to entering the residence at 5 Dorothy Road, Apalachin, in the Town of Owego, did knowingly possess a loaded and operable .380 firearm, with the intent to use it unlawfully against another.

### **SEVENTH COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment, accuses the defendant, **CURTIS G. CUTTINO**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, in violation of Section 265.03, Subdivision 1(b) of the Penal Law of the State of New York, a **Class C Felony**, committed as follows:

The said **CURTIS G. CUTTINO**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, did possess a loaded firearm, to wit: the said defendant, on the aforesaid date and in the aforesaid county and state, after entering the residence at 5 Dorothy Road, Apalachin, in the Town of Owego, did knowingly possess a loaded and operable .380 firearm, with the intent to use it unlawfully against Kia Brooks.

### **EIGHTH COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment, accuses the defendant, **MICHAEL J. MCVICKER**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, in violation of Section 265.03, Subdivision 1(b) of the Penal Law of the State of New York, a **Class C Felony**, committed as follows:

The said **MICHAEL J. MCVICKER**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, did possess a loaded firearm, to wit: the said defendant, on the aforesaid date and in the aforesaid county and state, after entering the residence at 5 Dorothy Road, Apalachin, in the Town of Owego, did knowingly possess a loaded and operable .380 firearm, with the intent to use it unlawfully against Brian Argro.

### **NINTH COUNT**

**THE GRAND JURY OF THE COUNTY OF TIOGA**, by this Indictment, accuses the defendant, **MICHAEL J. MCVICKER**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, in violation of Section 265.03, Subdivision 1(b) of the Penal Law of the State of New York, a **Class C Felony**, committed as follows:

The said **MICHAEL J. MCVICKER**, on or about the 9<sup>th</sup> of May 2019, in the County of Tioga and State of New York, did possess a loaded firearm, to wit: the said defendant, on the aforesaid date and in the aforesaid county and state, after entering the residence at 5 Dorothy Road, Apalachin, in the Town of Owego, did knowingly possess a loaded and operable .380 firearm, with the intent to use it unlawfully against Kia Brooks.

Dated: May 17, 2019

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Foreman of the Grand Jury

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Tioga County District Attorney